

ATTORNEY REGULATION ADVISORY COMMITTEE

MINUTES

Thursday, April 11, 2013

9:30am - Noon

State Courts Building
1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Committee Members

Hon. William J. O'Neil (Chair)
Hon. Lawrence Winthrop
Benny Click
James Drake, Jr.
George Riemer
Patricia Sallen
John Tuchi
Maret Vessella

AOC Staff

Emily Holliday
Kathleen Curry
Mark Wilson
Kim Mate
Jackie Deventer

Telephonically Present

Emily Johnston
Pamela Treadwell-Rubin
J. Scott Rhodes

Absent

Alan P. Bayham, Jr
Dr. Ronald R. Watson

Regular Business

9:34 a.m.

Call to Order and Introductions

Judge William O'Neil, Chair

Business Items and Potential Action Items

Introductions

No. 1 Review and Approve January 2013 ARC minutes
Approved as submitted

No. 2 Discussion and Approval of ARC Annual Report

Judge O'Neil

- Review and discussion of documents that will be put together to submit as the Annual Report including:
 - Written report covering all activities of Attorney Discipline Probable Cause and Presiding Disciplinary Judge.
 - Charts and graphs from the Attorney Discipline Probable Cause Committee and the Presiding Disciplinary Judge.
 - Description and schedule of the Admissions Subcommittee Process Review
 - The changes in the Admissions Rules

Motion: Accept first draft of the 2013 ARC Annual Report.

Moved by: John Tuchi

Seconded by: Patricia Sallen

Vote 11-0-2

Votes to approve the final draft of the 2013 ARC Annual Report will be by e-mail and/or phone after it is sent out to the members.

No. 3 Update by Subcommittees

- Admissions – John Tuchi
 - The Admissions Subcommittee is 3 forums into the 12 forum schedule.
 - 4th forum may be cancelled due to out of state conference
 - The Subcommittee is currently in the information gathering stage
 - The second 6-9 month stage will include organizing and evaluating information gathered into a recommendation
- Rules – Judge O'Neil
 - The Rules Subcommittee has discussed the pending Rule Petition regarding appeals submitted by Kathleen Curry.
 - Rule amendments discussed by Subcommittee including Rule 51, 57, 58, 59, 60, 61, and 63.
- Costs – Pamela Treadwell-Rubin
 - Amendments to Rule 60 as proposed by Judge O'Neil referred to the Costs Subcommittee for review.

No. 4 Developing Evaluation Process

Kathleen Curry

- Early Bar Exam, Admissions, Attorney Regulation
 - Early Bar Exam

- The Rule requires ARC and Petitioners to file reports on the early exam process by November 1, 2015
- Discussion
 - How to collect information and what information will be beneficial to collect?
 - Multiple methods, surveys, anonymous? At schools?
 - The information gathered will be helpful to the Exams Subcommittee for what their position will be.
- Attorney Regulation
 - Finding ways to evaluate how agreement and hearing process went to give ARC helpful information about how the system could best work and serve complainants.
 - Discussion
 - Possible confidential feedback.
 - Would be complainant's final voice about how they thought their case was handled.
- This item will be maintained on the agenda for the June 9, 2013 meeting.

No. 5 Update by Chair on Future Business

Judge O'Neil

- Focus and possible project for next year: Measured look at each of the Rules regarding Regulation.
- Patricia Sallen advised the Committee of Model Rule changes
 - New ABA Model Rule
 - Model Rule on Practice Pending Admission: An attorney may practice for up to 365 prior to admission as long as their application is turned in.
 - ABA Model Rules – Changes to existing/prior ABA rules
 - Admission on Motion: Years of active practice changed to 3 of the previous 5 years.
 - Pro Hac Vice: Allows for foreign lawyers to file request to appear as Pro Hac Vice in court.
 - In House Counsel Registration: Changed to allow foreign in house counsel lawyers to register.

No. 6 Call to Public

- None

Adjournment of meeting by Judge O'Neil at 10:23am